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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/091,337

03/06/2002

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742406-13

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07/16/2008

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EXAMINER

NEWLIN, TIMOTHY R

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

07/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Russo teaches selectively storing a preview of a previewable PPV content as described in the previous office action, in para. 40. Based on previous viewing patterns, i.e. "selectively," Russo downloads ("stores") content that is previewable by virtue of the operation described in paras. 23 and 44.

The Examiner does not agree with the Applicant's contention that Russo's use of the term "preview" does not anticipate the claimed "selected portions." The portion used as the preview in Russo is the beginning of the content. The claimed term "selectively storing" does not limit the stored portion to noncontiguous portions of the content as Applicant appears to argue.

The erasing process in Russo is automatic and therefore meets the limitation "selectively stores or automatically erases." Moreover, for purposes of examination the modifier "selectively" only applies to "stores," while the erasure is merely automatic (not necessarily selective). In any event, the term "selective" has a broader meaning than "less than the total content." Erasure based on any parameter, for example days since last viewed, would meet the limitation of selective.

On page 15, Applicant requests that certain limitations be met. Some of that language has been addressed above. However, narrowing language that appears in the claims is not addressed because prosecution is closed and the amendment is not entered.

Art Unit: 2623

Specifically, the language "create a preview" and "predetermined as previewable" does not appear in the prior amendment and is therefore moot.

Finally, the Examiner notes that the requirements for a rejection under §103 are understood and were followed in the original rejections under that section. The after final amendment has not been entered and as such, the Applicant is referred to the previous Office action for the rationales underlying the §103 rejections.